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10/657,456	09/08/2003	Michael Hattersley	GP-03-01	9809

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EXAMINER

SHRESTHA, BIJENDRA K

ART UNIT	PAPER NUMBER
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3691

NOTIFICATION DATE	DELIVERY MODE
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12/30/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/657,456

Applicant(s)

HATTERSLEY ET AL.

Examiner

BIJENDRA K. SHRESTHA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-12 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-12 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This Non-Final Office action is in response to Request for Continued Examination (RCE) filed on November 23, 2010. Claims 1, 4-12 and 15-24 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/23/2010 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 4-12 and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hutchinson et al., U.S. Pub No. 2005/0102188 (reference A in attached PTO-892) in view of Writer et al., U.S. 2005/0097049 (reference B in attached PTO-

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892) further in view of Understein, U.S. Pub 2004/0249741 (reference C in attached PTO-892).

3. As per claim 1, Hutchinson et al. teach a method of providing underwriting and/or servicing of an financial account, comprising:

receiving account application *over a data network* information including a bank account information (see Fig. 7; 8A-D; Fig. 15, step 270-274; where account application is filled via web browser);

transferring, over the data network, at least one randomly generated deposit amount to the bank account corresponding to the received bank account information (see Fig. 9C and 10C, Prepay; paragraph [0048] and [0085]; where the account uses bank electronic fund transfer to deposit fund, for example Automated Clearing House (ACH) and Fund Transfer Service such as CHEKFREE);

generating using the controller a financial account corresponding to the received account application information (see Fig. 8E-G; Fig. 15, step 265), where the financial account is electronically linked to the bank account (see paragraph [0011] and [0048]); and

receiving, over the data network, a user selected debit transaction amount from a plurality of debit transaction amounts when the financial account is generated (see Fig. 11C).

Hutchinson et al. do not teach receiving, over the data network, a deposit verification amount; comparing, using a controller, the received deposit verification amount with the deposited at least one deposit amount; generating, using the controller,

a financial account corresponding to the received account application information, wherein the financial account is electronically linked to the bank account when the received deposit verification amount matches the deposited at least one deposit amount.

Writer et al. teach receiving a deposit verification amount; comparing the received deposit verification amount with the deposited at least one deposit amount; generating a financial account corresponding to the received account application information, wherein the financial account is electronically linked to the bank account when the received deposit verification amount matches the deposited at least one deposit amount (Writer et al., paragraph [0013-0014]); where verifiable deposits of random values less than \$ 1.00 made into user's checking account so that new account established can be linked (Writer et al., paragraph [0013-0016]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow receiving a deposit verification amount; comparing the received deposit verification amount with the deposited at least one deposit amount; generating a financial account corresponding to the received account application information, wherein the financial account is electronically linked to the bank account when the received deposit verification amount matches the deposited at least one deposit amount of Hutchinson et al. because Writer et al. teach that including above features would enable to verify identity of checking account holder and its transactions (Writer et al., paragraph [0013-0014]).

Hutchinson et al. do not teach automatically debiting, using the controller, the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval; periodically verifying, using the controller, a balance amount of the bank account; and periodically determining, using the controller, whether to confirm that the balance amount of the bank account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account.

Understein teaches automatically debiting the user selected debit transaction amount from the deposit account electronically to the financial account at a predetermined interval; periodically verifying, using the controller, a balance amount of the deposit account (Understein, paragraph [0010, 0054]); and periodically determining whether to confirm that the balance amount of the deposit account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the deposit account to the outstanding balance amount of the financial account (Understein, paragraph [0055]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow automatically debiting, using the controller, the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval; periodically verifying, using the controller, a balance amount of the bank account; and periodically determining, using the controller, whether to confirm that the balance amount of the bank account is equal to or greater

than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account of Hutchinson et al. because Understein teaches that including above features would enable to qualify or validate funds for e-commerce transactions (Understein, paragraph 0004]).

4. As per claim 4-5, Hutchison et al. in view of Writer and Understein teach claim 1 as described above.

Hutchison et al. do not teach the predetermined interval is a 30 day and the user selected periodic debit transaction amount includes **one of** a full balance of the financial account, a minimum payment amount of the financial account, and a minimum payment amount of the financial account plus a predetermined payment amount.

Understein teaches the predetermined interval is a 30 day and the user selected periodic debit transaction amount includes one of a full balance of the financial account, a minimum payment amount of the financial account, and a minimum payment amount of the financial account plus a predetermined payment amount (Understein, paragraph [0010, 0054-0050]; where user deposit account is automatically debited in full amount and credit card automatically charged, if there is no sufficient fund in the user's account).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow the predetermined interval is a 30 day and the user selected periodic debit transaction amount includes one of a full balance of the financial account, a minimum payment amount of the financial account, and a minimum payment

amount of the financial account plus a predetermined payment amount of Hutchinson et al. because Understein teaches that including above features would enable to qualify or validate funds for e-commerce transactions (Understein, paragraph 0004]).

5. As per claim 6, Hutchison et al. in view of Writer and Understein teach claim 1 as described above. Hutchison further teach the method comprising

performing using the controller credit verification based on the received account application information (see Figs. 2 and 7, Credit Processing Server (53); paragraph [0049]; Fig. 16, steps 285-289).

6. As per claim 7, Hutchison et al. in view of Writer and Understein teach claim 6 as described above. Hutchison further teach the method wherein the step of performing credit verification comprises:

transmitting over the data network the account application information to a credit bureau (see Fig. 2, Credit Bureau (58); Figs.16 and 22); and

receiving over the data network a credit history information corresponding to the transmitted account application information (see Fig. 2, Financial Institution (59); Fig. 21).

7. As per claim 8, Hutchison et al. in view of Writer and Understein teach claim 7 as described above. Hutchison further teach the method wherein

the credit history information includes a numeric representation of the account application information (see Fig. 16, steps 286 and 287).

8. As per claim 9, Hutchison et al. in view of Writer and Understein teach claim 1 as described above. Hutchison further teach the method wherein

the financial account is a credit card account (see Fig. 7; 8E).

9. As per claim 10, Hutchison et al. in view of Writer and Understein teach claim 1 as described above. Hutchison further teach the method comprising

generating using the controller a financial account default notification when the balance amount of the linked bank account falls below a predetermined minimum level (see paragraph [0130]; where standard late payment processing, such as late notices, finance charges, etc are performed by payment processing subsystem if buyer do not pay as agreed).

10. As per claim 11, Hutchison et al. in view of Writer and Understein teach claim 10 as described above. Hutchison further teach the method comprising

transmitting over the network said financial account default notification (see paragraph [0130]; where default notification include charging interest, late notices or finance charges is transmitted to buyer by payment processing subsystem).

11. As per claim 12, Hutchison et al. teach a system for providing underwriting and/or servicing of an financial account, comprising:

a data network (see Fig. 2);

a user terminal operatively coupled to the data network and configured to transmit and receive data there from the data network (see Fig. 2, Buyer (50));

a server terminal operatively coupled to the data network (see Fig. 2; Seller Server (51)), the server terminal configured to:

receive account application information including a bank account information from the user terminal (Fig. 2; Fig. 7, steps 100-104);

deposit at least one deposit amount to the bank account corresponding to the received bank account information (see Fig. 9C and 10C, Prepay; paragraph [0048] and [0085]; where buyer account must be prepaid which could be deposited by ACH or traditional bank check);

generate a financial account corresponding to the received account application information (see Fig. 8E-G; Fig. 15, step 265), where the financial account is electronically linked to the bank account (see paragraph [0011] and [0048]); and

receiving a user selected debit transaction amount from a plurality of debit transaction amounts when the financial account is generated (see Fig. 11C).

Hutchinson et al. do not teach receiving a deposit verification amount; comparing the received deposit verification amount with the deposited at least one deposit amount; and generating a financial account corresponding to the received account application information only when the compared deposit verification amount matches the at least one deposit amount, where the financial account is electronically linked to the bank account.

Writer et al. teach receiving a deposit verification amount; comparing the received deposit verification amount with the deposited at least one deposit amount; and generating a financial account corresponding to the received account application

information only when the compared deposit verification amount matches the at least one deposit amount, where the financial account is electronically linked to the bank account (Writer et al., paragraph [0013-0014]); where verifiable deposits of random values less than \$ 1.00 made into user's checking account so that new account established can be linked (Writer et al., paragraph [0013-0016]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow receiving a deposit verification amount; comparing the received deposit verification amount with the deposited at least one deposit amount; and generating a financial account corresponding to the received account application information only when the compared deposit verification amount matches the at least one deposit amount, where the financial account is electronically linked to the bank account of Hutchinson et al. because Writer et al. teach that including above features would enable to verify identity of checking account holder and its transactions (Writer et al., paragraph [0013-0014]).

Hutchinson et al. do not teach debit the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval; periodically verify a balance amount of the bank account; and periodically determine whether the balance amount of the bank account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account.

Understein teaches debit the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval

(Unserstein, paragraph [0010, 0054]); periodically verify a balance amount of the bank account and periodically verify a balance amount of the bank account; and periodically determine whether the balance amount of the bank account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account (Understein, paragraph [0055]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow debit the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval; periodically verify a balance amount of the bank account; and periodically determine whether the balance amount of the bank account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account of Hutchinson et al. because Understein teaches that including above features would enable to qualify or validate funds for e-commerce transactions (Understein, paragraph 0004]).

12. As per claim 15-16, Hutchison et al. in view of Writer and Understein teach claim 12 as described above. Claims 15-16 are rejected under same rational as claim 4-5 described above.

13. As per claim 17, Hutchison et al. in view of Writer and Understein teach claim 12 as described above. Hutchison further teach the system wherein the server terminal is further configured to:

transmitting the account application information to a credit bureau (see Fig. 16, Fig. 22); and

receiving a credit history information corresponding to the transmitted account application information (see Fig. 21).

14. As per claim 18, Hutchison et al. in view of Writer and Understein teach claim 12 as described above. Hutchison further teach the system wherein

the financial account is a credit card account (see Fig. 7; 8E).

15. As per claim 19, Hutchison et al. in view of Writer and Understein teach claim 12 as described above. Hutchison further teach the system wherein the server terminal is configured to:

generate a financial account default notification when the balance amount of the linked bank account falls below a predetermined minimum level (see Fig. 2; paragraph [0130]; where financial institution (59) will generate default notification which include late notices, finance charges); and

transmit the account default notification to the user terminal (see Fig. 2; paragraph [0130]; where financial institution (59) issues late notices or levy finance charge to user through data network).

16. As per claim 20, Hutchison et al. teach a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method of providing underwriting and servicing of a financial account (see Fig. 2; paragraph [0055]), the method comprising:

receiving account application information including a bank account information (Fig. 2; Fig. 7, steps 100-104);

depositing at least one deposit amount to the bank account corresponding to the received bank account information (see Fig. 9C and 10C, Prepay; paragraph [0048] and [0085]; where buyer account must be prepaid which could be deposited by ACH or traditional bank check);

generate a financial account corresponding to the received account application information (see Fig. 8E-G; Fig. 15, step 265), where the financial account is electronically linked to the bank account (see paragraph [0011] and [0048]); and

receiving a user selected debit transaction amount from a plurality of debit transaction amounts when the financial account is generated (see Fig. 11C);

Hutchinson et al. do not teach receiving a deposit verification amount; comparing the received deposit verification amount with the deposited at least one deposit amount; and generating a financial account corresponding to the received account application information only when the compared deposit verification amount matches the at least one deposit amount, where the financial account is electronically linked to the bank account.

Writer et al. teach receiving a deposit verification amount; comparing the received deposit verification amount with the deposited at least one deposit amount; and generating a financial account corresponding to the received account application information only when the compared deposit verification amount matches the at least one deposit amount, where the financial account is electronically linked to the bank

account (Writer et al., paragraph [0013-0014]); where verifiable deposits of random values less than \$ 1.00 made into user's checking account so that new account established can be linked (Writer et al., paragraph [0013-0016]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow receiving a deposit verification amount; comparing the received deposit verification amount with the deposited at least one deposit amount; and generating a financial account corresponding to the received account application information only when the compared deposit verification amount matches the at least one deposit amount, where the financial account is electronically linked to the bank account of Hutchinson et al. because Writer et al. teach that including above features would enable to verify identity of checking account holder and its transactions (Writer et al., paragraph [0013-0014]).

Hutchinson et al. do not teach automatically debiting the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval; periodically verifying a balance amount of the bank account; and periodically determining whether the balance amount of the bank account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account.

Understein teaches automatically debiting the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval (Unserstein, paragraph [0010, 0054]); periodically verifying a balance amount of

the bank account; and periodically determining whether the balance amount of the bank account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account (Understein, paragraph [0055]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow automatically debiting the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval; periodically verifying a balance amount of the bank account; and periodically determining whether the balance amount of the bank account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account of Hutchinson et al. because Understein teaches that including above features would enable to qualify or validate funds for e-commerce transactions (Understein, paragraph 0004]).

21. As per claim 21-24, Hutchison et al. in view of Writer and Understein teach claims 1 and 21 as described above.

Hutchison do not teach automatically adjusting one or more characteristics of the financial account when the verified balance amount of the bank account is less than the outstanding balance amount of the financial account and one or more characteristics of the financial account include an annual percentage rate of the financial account, a cash advance limit of the financial account, and a credit limit of the financial account.

Understein et al. teaches automatically adjusting one or more characteristics of the financial account when the verified balance amount of the bank account is less than the outstanding balance amount of the financial account and one or more characteristics of the financial account include an annual percentage rate of the financial account, a cash advance limit of the financial account, and a credit limit of the financial account (Understein, paragraph [0055]; where user credit card is (financial account) is automatically when user's account has insufficient deposit adjusting characteristics credit limit on the financial account).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow automatically adjusting one or more characteristics of the financial account when the verified balance amount of the bank account is less than the outstanding balance amount of the financial account and one or more characteristics of the financial account include an annual percentage rate of the financial account, a cash advance limit of the financial account, and a credit limit of the financial account of Hutchinson et al. because Understein teaches that including above features would enable to determine with certainty that buyer has funds available which can be reserved as deposit for the item or cover the cost of the item if bidder submits the winning bid (Understein, paragraph 0003]).

Response to Arguments

17. New ground of rejections of claims necessitated by the applicant amendment has been established in the instant application. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Bent et al. (U.S. Pub 2005/0108149) teach system and method for managing client accounts.

Fleischl et al. (U.S. Patent No. 6,038,552) teach method and apparatus to process combined credit and debit transactions.

Gross (U.S. Patent No. 6,721,716) teaches payment certification string and related electronic payment system and method.

Hogan (U.S. Patent No. 5,557,516) teaches system and method for conducting cashless transactions.

Grant et al. (U.S. Patent No. 4,694,397) teach banking/Brokerage computer interface system.

Herziger (U.S. Pub No. 2002/0082994) teaches method and apparatus for automated banking machines.

Kavoun (U.S. Pub No. 2004/0148251) teaches method and system for providing funds for on-line gaming.

Knapp (U.S. Pub No. 2004/0193537) teaches system and method for enhancing financial institution revenues through accelerated of debit processing.

Lindsay Brown (U.S. Pub No. 2006/0212393) teaches payment system and method.

McCoy et al. (U.S. Patent No. 6,932,268) teach dual mode credit card based payment technique.

Paschini et al. (U.S. Patent No. 7,131,578) teach system and method for electronic prepaid account replenishment.

Resnick et al. (U.S. Patent No. 6,185,545) teach electronic payment system utilizing intermediary account.

Roberts, E. (Credit Union Journal, February, 2002) discloses random deposits to verify account ownership.

Tedesco et al. (U.S. Patent No. 6,282,523) teach method and apparatus for processing checks to reserve.

Wilkes (U.S. Pub No. 2004/0153399) teaches linking a merchant account with a financial card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)

270-1374. The examiner can normally be reached on 7:00AM-4:30PM(Monday-Friday);
2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bijendra K. Shrestha/
Examiner, Art Unit 3691
12/17/2010